

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
_____ DIVISION**

[Name of the Plaintiff(s),		
Plaintiff(s),		
vs.		[Case Number]
[Name of the Defendant(s),		
Defendant(s).		

PRETRIAL ORDER

A pretrial conference was held in the above case on [Date] , wherein, or as a result of which, the following proceedings were held and actions taken:

(1) **APPEARANCES:** Appearing at the conference were:

For *[Enter Plaintiff No. 1]:* _____

For *[Enter Plaintiff No. 2]:* _____

For *[Enter Defendant No. 1]:* _____

For *[Enter Defendant No. 2]:* _____

[Include a line for each party in the case, unless same counsel represents all parties on particular side.]

(2) **JURISDICTION AND VENUE:**

a. The court has subject matter jurisdiction of this action under the

following statutes, rules or cases:

[List each statute, rule or case that is claimed to authorize the court's subject matter jurisdiction in this action.]

b. All jurisdictional and procedural requirements prerequisite to maintaining this action have been met.

c. Is personal jurisdiction or venue contested?

_____ Yes _____ No

[If personal jurisdiction or venue is contested, briefly set out the relevant arguments.]

(3) **PARTIES AND TRIAL COUNSEL:** Any remaining fictitious parties are hereby **STRICKEN**. The parties before the Court and designated trial counsel are correctly named as set out below:

PARTIES

TRIAL COUNSEL

[Enter Plaintiff No. 1]

[Enter Plaintiff No. 2]

[Enter Defendant No. 1]

[Enter Defendant No. 2]

[Include a line for each party in the case.]

(4) **PLEADINGS:** The following pleadings have been allowed:

[List the pleadings in the order in which they were filed and allowed. Do not include pleadings that have been stricken or otherwise disallowed. See Fed. R. Civ. P. 7(a) for a list of allowable pleadings.]

(5) **STATEMENT OF THE CASE:**

a. **Narrative Statement of the Case.**

[The parties shall briefly summarize the case without using "color" words or argument. In most cases, this should require no more than three or four sentences. In a jury trial, this section will be read to the jury venire during the jury selection process.]

b. **Undisputed Facts.**

[The parties shall set out in separate numbered paragraphs each fact that is not in dispute. The parties are reminded that the court expects them to approach this task in a good faith effort to agree on all relevant facts for which there is no reasonable basis for disagreement in an effort to reduce the need for evidence at and length of the trial. In a jury trial, this section will be read to the jury and the jury will be instructed to accept these facts as true.]

c. **Plaintiff's Claims.**

[For each claim, each plaintiff shall concisely state each legal theory relied upon and shall set out the factual allegations which he/she expects to prove in support of each such legal theory. Vague, conclusory and general claims and allegations are not acceptable. In other words, no weasel wording. By this stage of the proceedings the plaintiff is expected to know what the claims are and must state precisely the issues expected to be tried. Each claim must be set out in a separately numbered paragraph, appropriately labeled. Think common law pleading. Under each claim, the plaintiff shall list, with pinpoint cites, any citations to the major cases, statutes, etc. that support his/her legal theory.]

d. **Defendant's Defenses.**

[For each claim against him, each defendant shall concisely state each legal theory relied upon and shall set out the factual allegations which he/she expects to prove in support of each such legal theory. Vague, conclusory and general claims and allegations are not acceptable. In

other words, no weasel wording. By this stage of the proceedings the defendant is expected to know what the defenses are and must state precisely the issues expected to be tried. Each defense must be set out in a separately numbered paragraph, appropriately labeled. Think common law pleading. Under each defense, the defendant shall list, with pinpoint cites, any citations to the major cases, statutes, etc. that support his/her legal theory.]

(6) **DISCOVERY AND OTHER PRETRIAL PROCEDURES:**

a. Pretrial Discovery.

i. _____ Pursuant to previously entered orders of the court, discovery is closed.

ii. _____ The parties are given leave to proceed with further discovery provided it is commenced in time to be completed by _____.

b. Pending Motions.

[List all pending motions or state that there are no motions pending. Motions should be listed in separately numbered paragraphs, leaving sufficient space for the court to indicate its rulings below each listed motion.]

c. Motions in Limine.

Motions in limine, including any *Daubert* motions, must be filed at least fourteen (14) days in advance of the scheduled trial date and shall be accompanied by supporting memoranda, with pinpoint cites. Oppositions are due three (3) calendar days thereafter. As to each matter counsel seeks to exclude, counsel shall indicate whether the exclusion is “opposed” or “unopposed” by counsel for the other side. Parties are encouraged to resolve evidentiary issues by stipulation whenever possible.

(7) The parties must provide to other parties and promptly file with the court the following information regarding the evidence that it may present at trial other than solely for impeachment or rebuttal:

(A) the name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises;

(B) the designation by page and line number of those witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony; and

(C) an appropriate identification (including Bates number if applicable) of each document or other exhibit, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises.

Unless otherwise directed by the court, these disclosures must be made at least thirty (30) days before trial.

Within seven (7) calendar days thereafter, a party may serve and promptly file a list disclosing (i) any objections to the use under Rule 32(a) of a deposition designated by another party under the above subparagraph (B); (ii) all objections, together with the grounds therefor, that may be made to the admissibility of materials identified under the above subparagraph (C); and (iii) any counter-designations of those portions of depositions that a party wishes to reserve the right to introduce, without regard to whether the opposing party already has designated the same portions of testimony. Objections not so disclosed are waived unless excused by the court for good cause, such as that the objecting party could not determine the basis of the objection prior to trial.

If there are unresolved objections after the parties consult, at least fourteen (14) calendar days before trial, the parties shall submit to the court, in writing, proposed deposition testimony and trial exhibits and any unresolved objections thereto. A brief argument may be submitted at that time, if necessary. The unresolved objections and arguments (if

any) must be emailed to chambers of the undersigned.

No exhibits will be admitted or be permitted to be shown to the jury unless the party offering them has complied with the E-Government Act of 2002. This means that the following must be redacted from any document a party seeks to introduce into evidence or to show to the jury: (1) social security numbers (in their entirety), dates of birth (other than the year), the names of persons known to be minors (although their initials may remain unredacted), and financial account numbers (other than the last four digits).

Oral arguments on any unresolved pretrial matters will be heard on _____, at _____, at the _____ United States Courthouse, _____, Alabama. If the court determines that a hearing is not necessary, it will cancel this setting and notify the parties.

- (8) ***TRIAL (JURY):** Any **proposed voir dire** is due at least ten (10) business days prior to the scheduled trial date and must be emailed to chambers of the undersigned. The parties should indicate which questions (if any) they want the court to ask and which questions they propose to ask themselves. At least ten (10) business days prior to the scheduled trial date, the parties must file a **single, joint proposed jury charge**, including all necessary instructions, or definitions applicable to the specific issues of the case. The parties need not submit standard generic instructions regarding routine matters; e.g., burden of proof, credibility of witnesses, duty of jurors, etc.
- a. **Each** requested **instruction** must be numbered and presented on a separate sheet of paper with authority cited.
 - b. In joint, proposed jury materials, counsel are to include all necessary instructions or definitions, specifically including (1) the *prima facie* elements of each cause of action and defense asserted; (2) legal definitions required by the jury; (3) items of damages; and (4) methods of calculation of damages. Counsel are to use the 11th Circuit Pattern Jury Instructions, or appropriate state

pattern jury instructions, as modified by case law or statutory amendments, wherever possible. Any deviations must be identified, and accompanied with legal authorities for the proposed deviation.

- c. Even if the parties, in good faith, cannot agree on all instructions, definitions or questions, the parties should nonetheless submit a single, **unified** charge. Each disputed instruction, definition, or question should be set out in bold type, underline or italics and identified as disputed. Each disputed item should be labeled to show which party is requesting the disputed language. Accompanying each instruction that deviates from pattern charges shall be all authority or related materials upon which each party relies. The parties shall also submit a copy as an e-mail submission to hopkins_chambers@alnd.uscourts.gov.
- d. If the verdict form will include special interrogatories for the jury to answer, counsel shall include such special interrogatories with their proposed jury instructions.

(9) **COMPUTATION OF DEADLINES:**

- a. All deadlines shall be computed without regard to Fed. R. Civ. P. 6(a). However, if a document is due on a day that is a weekend or a federal holiday, then the deadline for filing such document shall be extended until the next business day following the day on which the document would otherwise be due.

(10) **CHAMBERS EMAIL:**

- a. All documents that are emailed to chambers must be in Word Perfect format and sent to: hopkins_chambers@alnd.uscourts.gov.

(11) **VOIR DIRE:**

- a. Maximum of ____ minutes per side.

(12) **OPENING/CLOSING STATEMENTS:**

- a. Maximum of ____ minutes per side on opening statements.
- b. Maximum of ____ minutes per side on closing arguments. The plaintiff may reserve not more than half of [his/her/its] closing argument. However, if the plaintiff intends to ask for a specific sum of money, [he/she/it] must do so before the defendant makes [his/her/its] closing argument.

***TRIAL (NON-JURY):**

- a. If the parties wish to submit trial briefs OR IF the court directs the parties to submit trial briefs, they shall file them along with a court's courtesy copy, with the Clerk of the Court at least one week in advance of trial. The Clerk will forward the court's courtesy copy to chambers. DO NOT hand deliver copies to chambers. Also, the trial briefs shall be sent as an e-mail submission to hopkins_chambers@alnd.uscourts.gov.
- b. At least one week in advance of trial, each party shall submit to the Clerk of the Court, a proposed trial order which will be forwarded by the Clerk to chambers. This trial order shall include: (1) a statement of undisputed facts, (2) proposed findings of fact as to facts that are in dispute, and (3) proposed conclusions of law. The proposed findings of fact shall include citations to the witness(es), documents(s), or other evidence the party expects to support each proposed finding of fact. The parties may rely on statements of undisputed facts contained in the joint status report or the pretrial order in ascertaining which proposed findings of fact are undisputed, but shall not incorporate these facts by reference. Each party's proposed trial order shall also be sent as an e-mail submission to: hopkins_chambers@alnd.uscourts.gov.

(13) **TRIAL DATE:**

- a. This case is set for trial (jury / non-jury) on _____, in _____, Alabama, at the United States Courthouse, _____, _____, Alabama _____, and is anticipated to last _____ (___) days (including jury selection, opening statements, all evidence, a charge conference, closing arguments, and the court's instructions to the jury, but not including jury deliberations).

It is **ORDERED** that the above provisions be binding on all parties unless modified by further order for good cause shown.

DONE this the _____ day of _____, 200__.

VIRGINIA EMERSON HOPKINS
UNITED STATES DISTRICT JUDGE

NOTES:

1. This Pretrial Order form may be accessed at www.alnd.uscourts.gov; Court Info, Judicial Officers, Virginia Emerson Hopkins, Pretrial Order.

2. To the extent that the court's prior orders conflict with any of the language or deadlines set forth above, this pretrial order controls.

(Revised 3/3/08)